IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Bail Appl..No. 3663 of 2007()

CRIME NO.187/07 OF NADAKKAVU POLICE STATION

PETITIONER/ACCUSED:

RAJEEV, S/O. VISWANATHAN,
NALUPURAKKAL HOUSE, P.O. CIVIL STATION,KOZHIKODE.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTORSRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 3663 of 2007

- -

Dated this the 18th day of June, 2007

O R D E R

Application for anticipatory bail. The allegation against the petitioner is that at 8.30 p.m. on 4.6.2007 he allegedly attempted to cause injuries on the defacto complainant, who was riding a two wheeler with a helmet worn. The acid thrown on her did not cause injuries on her vital parts because of the circumstances, but they left behind acid burns on other parts of the body. The defacto complainant was not able to identify the petitioner. But his brother, who came running hearing the cries of his sister, saw the petitioner running away.

2. The case is that they were in close intimacy with each other. The relationship was strained and which allegedly prompted the petitioner to unleash an attack on the defacto complainant. To the doctor the petitioner was not named. But in the F.I.R. registered, the petitioner's name is revealed clearly. The learned counsel for the petitioner submits that the allegations are raised vexatiously because of the strained relationship. At any rate, the allegation under Section

308 I.P.C. has been included with the transparent intention to ensure that the petitioner does not secure an order of bail from the learned Magistrate.

3. I shall carefully avoid any expression of opinion on merits. Suffice it to say that, on an anxious consideration of all the relevant inputs, I am not at all persuaded to agree that this is a fit case where the extra ordinary equitable discretion under Section 438 Cr.P.C. can or ought to be invoked in favour of the petitioner. This I am satisfied is a fit case where the petitioner must resort to the ordinary and regular procedure of appearing before the Investigator or the learned Magistrate having jurisdiction and then seek bail in the ordinary course.

4. This application is hence dismissed.

(R. BASANT)
Judge

tm